

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                               |   |  |
|-------------------------------|---|--|
| MEGAN HOOKEY,                 | ) |  |
|                               | ) | Civil Action No. 08 – 1733               |
| Plaintiff,                    | ) |  |
|                               | ) | District Judge Joy Flowers Conti         |
| v.                            | ) | Chief Magistrate Judge Lisa Pupo Lenihan |
|                               | ) |  |
| JOSEPH PELZER, Warden, CHERYL | ) |  |
| MCGAVITT, Head Nurse, EDWARD  | ) |  |
| STRAWN, Captain, WASHINGTON   | ) |  |
| COUNTY, JOHN C. PETITT, LISA  | ) |  |
| SUTHERLAND, Adult Probation   | ) |  |
| Officer,                      | ) |  |
|                               | ) |  |
| Defendants.                   | ) |  |

**MEMORANDUM ORDER**

This case is before the Court on the Report and Recommendation filed by Chief Magistrate Judge Lisa Pupo Lenihan on May 10, 2013. (ECF No. 112.) Judge Lenihan recommended that the Motion for Summary Judgment filed by Defendants Pelzer, McGavitt, Strawn and Washington County (ECF No. 103) be granted. She also recommended that Defendant Sutherland be dismissed from this action for the failure of Plaintiff Megan Hookey (“Plaintiff”) to serve her timely in compliance with Federal Rule of Civil Procedure 4(m) and for Plaintiff’s failure to prosecute under Federal Rule of Civil Procedure 4(b). She further recommended that Defendant Pettit be dismissed from this action because he is deceased and Plaintiff failed to file a proper motion to substitute naming his legal representative within the required time limit pursuant to Federal Rule of Civil Procedure 25(a)(1). The parties were served with the Report and Recommendation and informed that they had until May 28, 2013, to

file written objections. As of the date of this order, no objections have been filed. As such, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

**AND NOW**, this 12<sup>th</sup> day of June, 2013,

**IT IS HEREBY ORDERED** that the Motion for Summary Judgment filed by Defendants Pelzer, McGavitt, Strawn and Washington County (ECF No. 103) is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendants Sutherland and Pettit are **DISMISSED** from this action.

**IT IS FURTHER ORDERED** that the Report and Recommendation dated May 10, 2013, (ECF No. 112), is **ADOPTED** as the opinion of the court.

**IT IS FURTHER ORDERED** that the Clerk of the Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

cc: Counsel of Record  
*Via ECF Electronic Mail*